

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
446**

**IDENTIFICATION OF INMATES AFFILIATED WITH SECURITY
THREAT GROUPS AND DISRUPTIVE GROUPS
(TEMPORARY)**

Supersedes: AR 446 (08/14/09)
Effective date: 12/08/10

AUTHORITY: NRS 209.131, NRS 193.168, 28 CFR 23

RESPONSIBILITY

The Inspector General's Office has primary responsibility for supervising the process for the identification and management, including validation, of Security Threat Groups (STG) and/or Disruptive Groups (DG) and the affiliated inmates.

A Supervisory Criminal Investigator in the Inspector General's Office, appointed by the Inspector General, is responsible to monitor STG and/or DG activity within the Department and is designated as the Security Threat Group Unit Supervisor.

All Department staff share the responsibility in reporting and identifying STG and/or DG. All staff will accurately document suspected STG and/or DG members and their activities and ensure all validation and supporting information and documentation is sent to the designated staff member within Inspector General's Office via the appropriate and established chain of authority.

446.01 STG AND/OR DG IDENTIFICATION AND MANAGEMENT

1. STG status is to be considered advisory in nature and ordinarily does not require specific actions beyond an increased level of security awareness.
2. The Department will establish:
 - A. A mechanism to identify, verify, and validate STG and/or DG and the affiliated inmates;
 - B. A procedure for STG and/or DG Due Process hearings and appeals.

3. The Office of the Inspector General will develop confidential procedures to identify, verify, validate and manage STG and/or DG.
4. The Office of the Inspector General will develop confidential procedures for the online sharing of intelligence relative to STG and/or DG with law enforcement agencies outside the Department of Corrections.
5. Each institution/facility will develop institutional procedures to comply with the Inspector General's guidelines in the identification of STG and/or DG, and affiliated inmates to each specific group.
 - A. Each institution is responsible for the management of inmates affiliated with a STG and/or DG, based upon the needs of the institution while keeping in mind the variables of housing for each inmate.
 - B. Expertise and information relative to housing issues of and/or for inmates should be sought from staff members of the Inspector General's office when applicable.

446.02 STG AND/OR DG INVESTIGATION AND VALIDATION

1. When STG/DG activity or affiliation is suspected, the affected institution will initiate an investigation to gather relevant information concerning the activity and any involved inmates. This information should be documented within Nevada Offender Information Tracking System, (NOTIS) and should include as much identifiable information as possible.
 - A. When practical the documentation, photographs and/or any other report should be imported into the NOTIS utilizing the document import icon in the appropriate module within NOTIS.
 - B. Should the institution not have the capability of document import, contact should be made with the Inspector General's Office.
 - C. If documentation in support of the activity and/or identification is not scanned, all relevant information and documentation obtained during the information gathering/investigation process concerning a suspected STG/DG or affiliated inmate, will be forwarded to the Inspector General's Office designee for review.
2. When appropriate, the IG designee will validate the concerned STG/DG or affiliated inmate in accordance with established validation criterion outlined in the IG procedures.

446.03 STG AND/OR DG DUE PROCESS

1. The Department will establish processes and procedures by which an inmate can question, review and appeal a STG/DG designation/validation.
2. In accordance with established validation criterion an inmate will be notified of suspected STG/DG affiliation via NDOC Form 1598 STG/DG Notification. The NDOC Form 1598 will provide what information the suspected affiliation is based upon.
3. The inmate will be advised as to the necessary steps to, if desired, remove themselves from affiliation through the formal debriefing process.
4. Should the inmate disagree with the designation, he can, within 10 days of the written notification, request in writing via his caseworker, a STG/DG Due Process Hearing.
5. The involved casework staff member will notify the supervisory Casework staff of the inmate's request for a STG/DG Due Process Hearing.
 - A. The Casework staff member should document the inmate's request for a hearing within the appropriate area of the Offender Management Module of NOTIS.
6. The inmate will be notified in writing with a date and time that the STG/DG Due Process Hearing will occur. The inmate must be given at least 72 hours of preparation time to be able to present evidence if he believes the suspected affiliation is incorrect. The inmate may not call any witnesses.
7. The STG/DG Due Process Hearing panel will consist of the Warden or designee, which can be an Associate Warden or a staff member with sufficient supervisory experience and knowledge, the inmate's caseworker, and one other staff member of the facility. Another assigned staff member, typically from the involved institution, will present the STG/DG information on the inmate. All STG/DG Due Process Hearings will be recorded via tape or digital means.
8. The hearing will begin by informing the inmate why he is suspected of being affiliated with a STG/DG, including presenting the facts about why it is believed the inmate should be validated. All evidence will be presented at that time and this evidence will be attached to the hearing document packet.
9. Confidential information that has been proven reliable will be presented, off tape and outside the presence of the involved inmate, to the hearing panel.

10. Once the evidence and facts have been presented, the inmate will be given the opportunity to present his rebuttal, including being allowed to speak on his behalf. He can present evidence both verbally and documents to support his case. He cannot call witnesses.
11. Once the Due Process hearing panel has heard and reviewed all information and documentation, the recording will be paused or stopped. The inmate and presenting staff member will leave the room and the panel will deliberate. Once the deliberation has ended and the panel has voted whether the inmate should be validated or not, the inmate and the presenting staff member will be allowed back into the room. The tape recorder will be restarted and the inmate will be made aware of the panel's decision by advising him that he is or is not to be validated as affiliated with a STG/DG.
12. Each panel member will indicate on NDOC Form 1598 whether they agree, disagree or need additional information or investigation, with the inmate's suspected affiliation.
13. A copy of the panel's decision will remain with the STG/DG file documentation and a copy of the panel's decision will be placed into the inmate's I file.
 - A. The original documentation, form 1598 will be sent to the Inspector General's Office, who in turn will upload the document into the STG module for that inmate.
14. The inmate will be provided information explaining to him how he can remove himself from the affiliation through a debriefing process.
15. The inmate will also be afforded the opportunity to appeal the panel's decision should he want to do so. The panel will provide the inmate with information explaining how the appeal process works.
16. After the STG/DG Due Process Hearing has been finalized, the inmate has 10 working days from the hearing date to appeal the panel's decision. The inmate will complete the appeal form, STG/DG Affiliation Appeal Form, NDOC form 1599. The form will be forwarded to the appropriate Deputy Director for review. The Deputy Director can agree with the panel, send the matter back for further investigation and review, or overturn the panel's decision for validation of the inmate.
17. Once the Deputy Director has made his determination or recommendation, the appeal form will be returned to the Inspector General's Office, who will notify the involved facility. Casework staff is responsible to notify the involved inmate.
18. A copy of the written results of the Due Process Hearing appeal will be placed with the STG/DG module of NOTIS for the inmate.

19. The inmate's affiliation status with a STG/DG will be reviewed by or through regular case work review at the institution wherein the inmate is housed.

446.04 REVIEW AND/OR REMOVAL OF A STG/DG DESIGNATION

1. During regular reviews, casework staff will confirm with the inmate any validated STG/DG designation.
2. Inmates who express an interest in debriefing and having the STG/DG designation removed will be referred to the Inspector General's Office, with notification to the appropriate Associate Warden for tracking purposes.
3. The IG designee will review the inmate's classification with Offender Management Division.
4. The IG designee will document the inmate's request within NOTIS and assign the matter for investigation. The investigation and follow up may be assigned to a staff member within the institution or to the IG designee.
5. The debriefing interview will be recorded, with the recording, documentation, and report from the staff member to be returned to the IG designee. The assigned staff member will make recommendations and summarize the interview contents in their report.
6. The IG designee Office will review the staff member's recommendation with the Offender Management Division designee.
7. The safety of the inmates must be of primary concern if they are to be reviewed for transfer or a change in custody.

446.05 STG/DG RECORDS CONFIDENTIALITY

1. No unauthorized dissemination of STG/DG information or documentation should be done.
2. Institutional/facility STG/DG procedures and all related documentation and information will be confidential.
3. STG/DG information and documentation is held on a Need to Know, Right to Know basis, under the federal guidelines of 28 CFR 23 relative to dissemination.

446.06 STG/DG TRAINING

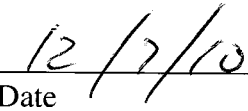
1. The IG designee, with approval of the Inspector General, will identify and designate Department trainers in the identification and management of Security Threat Groups and/or Disruptive Groups.
2. Department STG/DG training lesson plans shall be approved by the IG designee.

APPLICABILITY

1. This regulation applies to all employees and inmates of the Department.
2. This regulation requires an OP from the Inspector General's Office.
3. This AR requires an audit.



Howard Skolnik, Director



Date